

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Deldrick Devone Autry**

**Docket No. 5:04-CR-33-1BO**

**Petition for Action on Supervised Release**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Deldrick Devone Autry, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924, Felon in Possession of a Firearm, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 16, 2004, to the custody of the Bureau of Prisons for a term of 110 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Deldrick Devone Autry was released from custody on March 1, 2013, at which time the term of supervised release commenced. On March 5, 2013, a violation report was submitted to the court reporting that the defendant tested positive for marijuana on March 3, 2013. The defendant was verbally reprimanded and enrolled in substance abuse counseling and testing. The court agreed to continue supervision.

On May 15, 2013, a violation report was submitted to the court reporting that the defendant was charged with the offense of Driving While License Revoked (13CR711508) in Cumberland County, NC. The defendant was verbally reprimanded and instructed not to drive until properly licensed. The court agreed to continue supervision.

On January 27, 2014, in response to the defendant committing an additional offense of Driving While License Revoked (14CR700986) in Cumberland County, NC, the court ordered the following:

The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

On February 23, 2014, in response to the defendant committing the additional offenses of three counts of Driving While License Revoked (14CR702245, 14CR355, 14CR703112) in Cumberland County, NC, the court ordered the following:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days, as directed by the probation office and shall abide by all rules and regulations of the designated facility.

On July 7, 2014, a violation report was submitted to the court reporting that the defendant was charged in Cumberland County, NC, with the offenses of Driving While License Revoked and Failure to Stop for Stop Sign/Flashing Red Light (14CR707764). Additionally, the court was notified that the defendant had been charged in Robeson County, NC, with the offense of Driving While License Revoked (14CR705708). The defendant was again verbally reprimanded and instructed not to drive until properly licensed. The court agreed to continue supervision and allow the defendant to serve the previously imposed jail sanction to see if that deters him from additional driving offenses.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On November 21, 2014, the defendant was charged in Cumberland County, NC, with the offenses of Driving While License Revoked and Failure Yield When Entering Highway/Intersection (14CR64277). When confronted, the defendant acknowledged his guilt in the offenses. He reports that he was driving his girlfriend to the hospital due to complications with her pregnancy. This is the eighth driving while license revoked offense that the defendant has received during the period of supervision. Despite previous imposed sanctions, the defendant continues to drive with a revoked license. To increase the penalty for this conduct, we are recommending that the defendant be required to serve eight days in jail. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 8 days, as directed by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: December 11, 2014

**ORDER OF COURT**

Considered and ordered this 12 day of December, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge